

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

AGATHA HARRIS, #109 395

*

Plaintiff,

*

v.

*

2:07-CV-102-ID
(WO)

PRISON HEALTH SERVICES, INC.,
et al.,

*

*

Defendants.

RECOMMENDATION OF THE MAGISTRATE JUDGE

On March 28, 2007 Plaintiff filed a Motion to Dismiss Defendant Willie Rowell from this cause of action. Upon review of the motion, the court concludes that it should be granted.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that:

1. Plaintiff's March 28, 2007 Motion to Dismiss Defendant Willie Rowell (Doc. No. 11), be GRANTED;

2. Defendant Willie Rowell be DISMISSED with prejudice as a party to this complaint; and

3. This case with respect to the remaining defendants be referred back to the undersigned for additional proceedings.

It is further

ORDERED that the parties are DIRECTED to file any objections to the Recommendation on or before **April 10, 2007**. Any objections filed must specifically

identify the findings in the Magistrate Judge's Recommendation to which a party objects. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (*en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done, this 29th day of March 2007.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE